

JAN 07 2014

TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT, LOUISIANABY: UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA

## SHREVEPORT DIVISION

SEAN PATRICK MASTIN

CIVIL ACTION NO. 11-2240-P

VERSUS

JUDGE WALTER

CEDRIC GLOVER, ET AL.

MAGISTRATE JUDGE HORNSBY

JUDGMENT

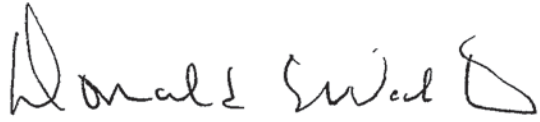
For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, and noting the lack of written objections filed by Plaintiff and determining that the findings are correct under the applicable law;

**IT IS ORDERED** that Plaintiff's civil rights claims seeking monetary damages and injunctive and declaratory relief for his allegedly unconstitutional conviction and sentence be **DISMISSED WITH PREJUDICE** as frivolous under 28 U.S.C. § 1915(e) until such time as the Heck conditions are met. **IT IS FURTHER ORDERED** that Plaintiff's civil rights claims against Judge Ramona Emanuel, District Attorney Charles Scott, Assistant District Attorneys Bill Edwards and Sarah Midboe and Robert A. Gordon be **DISMISSED WITH PREJUDICE** as frivolous under 28 U.S.C. § 1915(e). **IT IS FURTHER ORDERED** that Plaintiff's request for habeas relief be **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies.

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts

requires the district court to issue or deny a certificate of appealability when it enters a final order adverse to the applicant. The court, after considering the record in this case and the standard set forth in 28 U.S.C. Section 2253, denies a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

**THUS DONE AND SIGNED**, in chambers, in Shreveport, Louisiana, on this 7<sup>th</sup>  
day of January 2014.

  
**DONALD E. WALTER**  
**UNITED STATES DISTRICT JUDGE**